IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.
WRIT PETITION NO.6699 OF 2006

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Amit Borkar i/by Shri Girish G. Togani for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 13, 2007.

P.C.:

1. Heard Advocate for the Petitioner. The Petitioner is the husband. In a suit filed under section 18 of the Hindu Adoptions and Maintenance Act, 1956, interim maintenance of Rs.3,000/- per month has been awarded in favour of the Respondent-wife.

2. The contention of Advocate for the Petitioner is that the Petitioner is a servant in a footwear shop in Ulhasnagar and is drawing salary of Rs.1,200/-. He submitted that considering the said income of the Petitioner, maintenance at the rate of Rs.3,000/- could not have been fixed. He submitted that no finding has been recorded as regards the other sources of income of the Petitioner.

3. I have considered the submissions. The Respondent-wife came out with the case that the Petitioner was having power looms at Bhiwandi and he is doing the business of manufacturing of cloth at Bhiwandi. The learned Trial Judge observed that there is a mere denial by the Petitioner. He has not disclosed as to who is the owner of the power looms. The case of the Respondent is that the Petitioner is having a very good flat at Ulhasnagar having all modern amenities like coloured T.V, Air Conditioner, telephone, tape recorder etc. The learned Trial Judge has therefore disbelieved the case that the income of the Petitioner is only Rs.1,200/- per month. No case is made out for interference in this Petition under Article 227 of the Constitution of India.

4. Petition is rejected. Petitioner is granted time of four months to deposit arrears payable till date of passing the impugned order.

JUDGE